

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PASTOR ADEN RUSFELDT,

Plaintiff,

22-cv-594 (PKC)

-against-

ORDER

CITY OF NEW YORK, NEW YORK;  
KEECHANT SEWELL, in her Official  
Capacity as Commissioner of the City of New  
York Police Department; and STEPHEN  
HUGHES, in his Individual Capacity,

Defendants.  
-----X

CASTEL, U.S.D.J.

In his First Amended Complaint, plaintiff Pastor Aden Rusfeldt challenges the constitutionality of New York Penal Law §§ 240.20(6) and (7) as vague and overbroad under the United States Constitution. (ECF 83.) Because he has not sued the State of New York, one of its agencies, or one of its officers or employees in an official capacity, he has filed a Notice of Constitutional Question pursuant to Rule 5.1, Fed. R. Civ. P., and a Request for Certification pursuant to 28 U.S.C. § 2403. (ECF 87.)

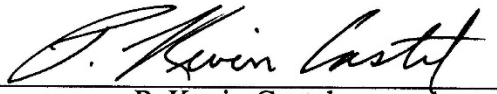
Pursuant to 28 U.S.C. § 2403(b) and Rule 5.1(b), the Court hereby certifies to the Attorney General of the State of New York that the constitutionality of New York Penal Law §§ 240.20(6) and (7) has been questioned.

Plaintiff filed his Notice on May 12, 2023. (ECF 87.) Rule 5.1(c) states that “[u]nless the court sets a later time, the attorney general may intervene within 60 days after the notice is filed or after the court certifies the challenge, whichever is earlier.” More than 60 days

have passed since filing of the Notice, and the Attorney General has not intervened; however, the Court will extend the time, and the Attorney General may intervene within 30 days from the date of this Order.

The Clerk is respectfully directed to provide a copy of this Order, along with copies of the First Amended Complaint (ECF 83.) and plaintiff's Notice and Request (ECF 87.), to the Attorney General of the State of New York.

SO ORDERED.

  
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P. Kevin Castel  
United States District Judge

Dated: New York, New York  
September 15, 2023